

## **REMARKS**

The Office Action dated March 5, 2007 has been fully considered by the Applicant. Additionally, the telephone conference interview with Examiner Want on May 24, 2007 is gratefully acknowledge.

Claims 1, 7 and 14 have been currently amended. Claims 2-6, 8-13, 15-16 have been previously presented.

Claims 1-3, 5-9, 11, 14 and 15 have been rejected under 35 USC 102(b) as being anticipated by European Patent Application No. 0798875 to Kaku et al. Applicant respectfully requests reconsideration of the rejection.

Applicant's currently amended claim 1 provides for a method of installation of a broadcast data receiver to receive broadcast data for use to generate audio and/or video at each receiver broadcast continuously to a plurality of locations including the location of the receiver, the method including the steps of measuring the power level of the broadcast data signals at two predetermined spaced points on the signal band being transmitted from a broadcaster by measuring the content of automatic gain control converters relating to said broadcast data signal within the receiver and providing an amplitude correction filter which can be selectively operated on the broadcast data signal to allow the correction of amplitude variations with the frequency. The selective operation of the filter is dependent upon and responsive to the power level measurements obtained from the signal that is transmitted from the broadcaster without having knowledge of a training signal cable slope. The broadcast data signal used for the measurement is the same as that used to generate the audio and/or video at the receiver locations for display to the user at the receiver location for the purpose of viewing the display. Applicant believes currently amended claim 1 is novel over the Kaku et al patent and, therefore, respectfully requests reconsideration of the rejection.

Applicant's currently amended claim 1 does not utilize either a traditional training signal as

in the prior art or creates a type of training signal by superimposing frequencies onto the signal being received from the broadcaster, as in the Kaku et al patent, to obtain measurements to correct received signals. Applicant's measurements are derived without knowledge of a training signal cable slope, as set forth in Applicant's specification Page 2, lines 18.

Clearly, it can be seen that Applicant's invention teaches away from the Kaku et al patent which states at column 16, line 13:

The slope of a straight line 35 connecting two Nyquist frequency signals is calculated by differentiating the Nyquist frequency signals 32 and 33. The slope of the straight line 35 indicates the tendency of the frequency characteristic of a received signal, so that it can be judged whether the level of a high group is attenuated or the level of a low group is attenuated. That is, it can be decided how the frequency characteristic of the receive signal are deteriorated from positive/negative and large/small of the differential between the Nyquist frequency signals."

Actually, Applicant's invention overcomes the disadvantages of Kaku et al patent wherein the overlaid tones can interfere with the signal used to generate video/audio and displayed to the user, which can lead to errors and/or distortion of the video/audio. In Applicant's invention the receiver can adjust its internal gain structure so as to allow relatively weak received signals to be correctly processed without further distorting the signal by placing overlaid tones thereon, as in the Kaku et al patent. Overlaid tones are not required in Applicant's invention, as it is the actual signal used to generate the video/audio for display to a user that is measured directly.

Applicant sincerely believes that currently amended claim 1 is novel over the Kaku et al patent and therefore respectfully requests reconsideration of the rejection

Claims 2, 3, 5-6 depend upon independent claim 1 and are believed to be novel over the Kaku patent for the reasons stated above.

In the Response to Argument, the Examiner states that, "Kaku's invention is so designed to solve the issue that using the training signal is time-consuming and it is impossible to start transmitting data immediately after trunk connection (column 3, lines 21-26) for a communication system which includes plural modems connected in parallel on a receiving side to broadcast data from a transmission side modem." Applicant respectfully disagrees.

It is well known that on connection conventional modems transmit a series of tones at different frequencies to which the receiving modem can tune or train. After training has been completed, typically after at least a few seconds, the data signal can be transmitted.

The Examiner also states that, "Column 16, lines 29-36, of the Kaku's reference specifically teaches that the measurement is using the actual data without training (test) signal." Applicant respectfully disagrees with this statement.

The Kaku reference cited by the Examiner specifies that the line equalizer assumes the appropriate characteristics by confirming the levels of the frequency signals 32 and 33 *superimposed on the data transmission*. The frequency signals 32 and 33 are in the form of tones at either end of the transmission band. In other words, the signals used to correct for errors in the transmission are overlaid on the data transmission and are not used to generate video/audio for display to the user. Thus, as indicated in the Kaku et al patent, at column 16, lines 34-36, even when no training signals are sent prior to data transmission, the provision of frequency signals superimposed on the data transmission allows the lines of the receiving modems to be equalized, providing a similar function as the training signals.

In contrast, in Applicant's invention the signal used for error correction is the same as that used to generate the audio/video for display to the user, that is, the signal transmitted from the

broadcaster does not have other frequencies, such as the Nyquist frequency, added or superimposed thereon, as in the Kaku et al patent. Applicant's invention does not rely on a transmitter supplying additional signals for error correction purposes, as in the Kaku et al patent. Applicant's invention can operate independently of such transmitters since only the data transmission is used for error correction. Applicant's invention measures the data signal directly and therefore overcomes the problem created in the Kaku patent of data disruption caused by the superimposed signals.

As previously stated, the main difference between the subject matter disclosed in the Kaku et al patent and Applicant's currently amended invention is that Kaku et al measures test signals in the form of plural tones which have been overlaid onto the signal used to generate video/audio for display to a user. However, Applicant's present invention measures the same signal transmitted from the broadcaster to generate video/audio for display to a user.

Currently amended independent Claim 7 includes a broadcast data receiver for receiving digital data for use to generate audio and/or video at each receiver which is continuously transmitted to a plurality of locations, received by the application and passed to the receiver via a radio frequency input from the data carrying network. The broadcast data receiver includes a selectively activated linearization circuit that operates with a receiver control system upon comparison of measurements of the power levels at two predetermined points on the broadcast data signal passed to the radio frequency input without having knowledge of the network cable slope. The linearization circuit is activated to adjust the receiver settings during an installation procedure for the broadcast data receiver at a location at which the receiver is to be used if the comparison reveals a difference which is greater than a predetermined level. Further, the broadcast data signal used for the measurement is the same as that used to generate the audio and/or video at the receiver locations for display to the

user at the receiver location for the purpose of viewing the display. Clearly, these features are not taught or suggested in the prior art.

Applicant's broadcast data receiver does not utilize either a traditional training signal as in the prior art or create a type of training signal by superimposing frequencies onto the signal being received from the broadcaster, as in the Kaku et al patent, to obtain measurements to correct received signals. In Applicant's invention, the linearization circuit can be selectively activated to operate with a receiver control system upon comparison of measurements of the power levels at two predetermined points on the signal transmitted from the broadcaster passed to the radio frequency input without knowledge of the network cable slope.

Applicant's currently amended claim 7 teaches away from the Kaku et al patent which requires the superimposing of Nyquist frequency signals to generate the slope of a straight line to indicate the tendency of the frequency characteristic of a receive signal so it can be judged whether the level of the high group is attenuated or the level of a low group is attenuated. Applicant's invention takes measurements of the power levels at two predetermined points on the signal transmitted from the broadcaster without knowledge of the network cable slope. Clearly, it can be seen that Applicant's invention teaches away from the Kaku et al patent. Therefore, Applicant sincerely believes that currently amended claim 7, along with dependent claim 8-13, is novel over the cited references and respectfully requests reconsideration of the rejection. .

Currently amended Claim 14 provides a method of installation of a receiver by a user to receive digital data for use to generate audio and/or video at each receiver continuously broadcast to a plurality of locations including the location of the receiver. The method comprises the steps of measuring the power level of incoming frequency signals relating to the digital data at two

predetermined spaced points on the signal band and providing means for the comparison of the measurements without knowledge of a training cable slope. If the comparison shows a value within a predetermined parameter, an indication is provided to the user; and if the comparison shows a value out with the predetermined parameter, a control system in the receiver adjusts the operation of one or a combination of components within the receiver until the value is within the predetermined parameter. The signal used for the measurement is that from which the audio and/or video is generated at the receiver locations for display to the user at the receiver location for the purpose of viewing the display.

Applicant believes that currently claim 14 is novel over the Kaku patent for the above reasons.

Claim 15 depends upon claim 14, and Applicant believes it to be novel for the same reasons stated herein with reference to claim 14.

Claims 12, 13 and 16 have been rejected under 35 USC 103(a) as being unpatentable over European Patent No. EP0798875 to Kaku et al in view of United States Patent No. 5,991,339 to Bazes. Claims 12 and 13 depend on currently amended independent claim 7 and are believed novel over the references as cited herein. Claim 16 depends upon independent claim 14 and is believed to be novel over the cited references as stated herein with reference to claim 14.

Claim 4 has been rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0798875 to Kaku et al in view of United States Patent No. 6,542,540 to Leung et al. Claim 4 is dependent upon currently amended independent claim 1. Applicant believes that currently amended claim 1 is novel over the cited references as herein stated and, therefore, it is believed that claim 4 is also novel for the same reasons.


Claim 10 has been rejected under 35 USC 103(a) as being unpatentable over European Patent No. 0798875 to Kaka et al in view of United States Patent No. 6,167,081 to Porter et al. Claim 10 depends upon currently amended independent claim 1. Applicant believes that claim 10 is novel over the cited references as stated above.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

HEAD, JOHNSON & KACHIGIAN

Dated: 24 May 2007

BY:   
Mark G. Kachigian, Reg. No. 32,840  
228 West 17th Place  
Tulsa, Oklahoma 74119  
(918) 587-2000  
Attorneys for Applicant